

## IN THE UNITED STATES DISTRICT COURT

## FOR THE NORTHERN DISTRICT OF CALIFORNIA

11 MANDEEP GOSAL,

No. C 16-601 CRB

12 Plaintiff,

**ORDER RE MOTIONS TO STRIKE  
AND DISMISS**

13 v.

14 SAVE MART SUPERMARKETS,  
ET AL.,

15 Defendants.

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17 On calendar for Friday, January 6, 2017, are three motions in this case: (1) a motion to  
18 dismiss Defendant Zeke Lozano (dkt. 46); (2) a motion to dismiss Plaintiff Mandeep Gosal's  
19 counterclaim (dkt. 38); and (3) a motion to strike Gosal's amended answer to Defendants'  
20 counterclaim (dkt. 39). The Court finds this matter suitable for resolution without oral  
21 argument, pursuant to Civil Local Rule 7-1(b), VACATES the motion hearing currently set  
22 for January 6, 2017, SETS a status conference for the same time on January 6, 2017, and  
23 rules as follows.24 The Court DENIES the motion to dismiss Lozano: the Court deems service in this  
25 case proper, rejects the suggestion that Plaintiff failed to prosecute Lozano, and holds that the  
26 sixth and seventh causes of action state a claim against Lozano. The Court GRANTS  
27 Defendants' motion to dismiss Gosal's counterclaim, as indemnification under Cal. Labor  
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1 Code § 2802 is not cognizable here, and the remaining counterclaims lack merit. The Court  
2 SEVERS and STAYS Defendants' counterclaim (dkt. 19),<sup>1</sup> and therefore also STAYS  
3 Defendants' motion to strike Gosal's amended answer to that counterclaim.

4 **IT IS SO ORDERED.**



5 CHARLES R. BREYER

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7 UNITED STATES DISTRICT JUDGE

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United States District Court  
For the Northern District of California

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<sup>1</sup> The Court also STAYS any discovery related to that counterclaim.